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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/164,427

Applicant(s)

AFSHARY ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 25-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under

35 U.S.C. 121:

- I. Claims 1 – 12 and 25-26, drawn to digital coaxial cable LAN for communicating data between clients of the cable LAN, classified in class 725, subclass 78.
- II. Claims 13-24, drawn to a cable LAN adapter, classified in class 725, subclass 126.

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because group I shows coaxial cable LAN for communicating data between clients of the cable LAN. The subcombination has separate utility such as the adapter can be used in a remote transmitter.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with attorney Iric Heiman on 4/22/02 a provisional election was made with traverse to prosecute the invention of group I, claims 1-12 and 25-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-24 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "Office 32" (page 8, line 2). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Art Unit: 2611

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1 –8 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by McArthur (US 5,805,806).

Regarding claim 1, McArthur discloses a digital coaxial cable local area network (LAN) supports both baseband digital LAN signals and video comprising:

a plurality of clients (clients 14-22) (see figure 1);

a plurality of "adapters" wherein the combination of tap 12 and interface reads on the adapter being claimed; the "adapter" in communication with at least one client and in communication with at least one other "adapter" and coaxial cable 15 couple between a pair of "adapters", coaxial cable 15 having an operating frequency spectrum, the operating frequency spectrum having at least a first portion and second portion, wherein

Art Unit: 2611

the first portion; data having a data operating frequency that occupies the first portion of the operating frequency spectrum of the coaxial cable (first frequency band); and at least one signal having a signal operating frequency spectrum of the coaxial cable, the at least one signal (either second frequency band or third frequency band) controlled by at least one of the plurality of "adapters" and adapted to transport the data from one "adapter" to the other "adapter" (see figures 1, 12 ; col. 2, line 58- col. 3, line 11; col. 4, lines 15 –45, col. 10, line 29- col. 11, line 60).

Regarding claim 2, McArthur discloses at least one of the plurality of "adapters" is integrated into a client of the cable LAN (see figure 1 or figure 12).

Regarding claim 3, McArthur discloses the at least one signal is an in-home signal (baseband signals) and the coaxial cable is tapped off a public cable network via jack 8 (see figure 1 or figure 12; col. 2, line 58- col. 3, line 2; col. 5, lines 45-47; col. 10, lines 45-48).

Regarding claim 4, McArthur discloses the cable LAN comprising low pass filter coupled upstream of the in-home signal (see figure 5 and col. 7, lines 12 – 55).

Regarding claim 5, McArthur discloses the low pass filter having a cut off frequency less than 1000 MHz (see col. 7, lines 40-55).

Art Unit: 2611

Regarding claim 6, McArthur discloses baseband digital signal is carrier modulated digital signal (see col. 2, line 15 – col. 3, line 67).

Regarding claim 7, McArthur discloses a cable LAN as discussed in the rejection of claim 4. McArthur further discloses the carrier modulated digital signal is generated downstream of the low pass filter (see col. 2, line 15 – col. 3, line 67).

Regarding claim 8, McArthur discloses the second frequency band is just at the fringe of the first frequency band (see col. 4, lines 15 – 30).

Regarding claim 25, McArthur discloses a method for communicating data between a “first adapter” coupled to a “second adapter” by coaxial cable 15, the method comprising the steps of:
receiving digitalized data in the “first adapter” from a client, the digitized data having a data operating frequency;
processing the digitized data within the “first adapter” into a signal having a signal operating frequency that is greater than the data operating frequency; and
communicating the signal from the “first adapter” to the “second adapter” through coaxial cable 15 (see figure 12, col. 10, line 28 – col. 11, line 60).

Regarding claim 26, McArthur discloses in response to the person's input via the wireless keyboard 222, the NTSC video output by PC 16 is modulated onto channel 2,

Art Unit: 2611

where it is received by the tuner in TV interface 34 and displayed on television 18 (see col. 11, lines 27-42). Inherently, the digitalized data is modulated into an analog form; the modulated data is converted into an analog signal having an intermediate frequency; the intermediate frequency is increased to a frequency that is greater than the data operating frequency (channel SN 2); and the power is amplified for transmitting and displaying the signal the signal on the television 18.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McArthur (US 5,805,806) as applied to claim 8 above, and in view of Terry (US 5,499,047).

Regarding claim 9, McArthur discloses a cable LAN as discussed in the rejection of claim 8. However, McArthur fails to disclose the operating frequency is greater than approximately 1000 MHz.

Art Unit: 2611

Terry discloses the "signal operating frequency" range from 1150 to 1350 MHz (see col. 5, lines 55-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McArthur to utilize the "operating frequency" greater than approximately 100 in order to increase signal transmission in the system.

Regarding claim 10, Terry discloses the "signal operating frequency" is between 1000 MHz and 2000MHz (see col. 5, lines 55-60).

Regarding claim 11, Terry discloses the "signal operating frequency" is range 1150-1350 MHz as discussed in the rejection of claim 9 which is approximately 1300 MHz.

Regarding claim 12, Terry discloses the "signal operating frequency" has a bandwidth of at least 5 MHz (see figure 2 or 3).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
April 30, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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